

### REMARKS

This Amendment is submitted in reply to the non-final Office Action dated June 19, 2006. A petition for a one month extension of time is submitted herewith. The Director is authorized to charge \$120 for the petition for extension of time and any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112701-529 on the account statement.

Claims 1-4, 9-19 are pending in this application. Claim 5 was previously canceled. In the Office Action, Claims 1-4, 6, 7, and 9-19 are rejected under 35 U.S.C. §112, first paragraph, Claims 1-4, 7-9, 11-14, 14-16 and 18-19 are rejected under 35 U.S.C. §102 and Claims 6, 10 and 17 are rejected under 35 U.S.C. §103. In response Claims 1-4, 9, 14-16, 18 and 19 have been amended and Claims 6-8 have been cancelled. This amendment does not add new matter. For the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 1-4, 6, 7, and 9-19 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. Specifically, the Patent Office alleges that while being enabling for a process of preparing an aromatizing composition using specific amino acids and reducing sugars, the specification does not reasonably provide enablement for a process using any amino acid and reducing sugar. In response, Applicants have removed the term "amino acids and peptides" from Claim 1 and have amended Claim 1 to recite particular amino acids and reducing sugars. The amendment is supported in the specification, for example, at page 4, lines 3-10. Based on at least these noted reasons, Applicant believes that Claims 1-4, 6, 7, and 9-19 fully comply with 35 U.S.C. §112, first paragraph.

Accordingly, Applicants respectfully request that the rejection of Claims 1-4, 6, 7, and 9-19 under 35 U.S.C. §112, first paragraph, be withdrawn.

In the Office Action, Claims 1-3, 7-9, 11-13, 14-16, 18 and 19 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,432,459 to Bel Rhlid et al. ("*Rhlid*"). Claims 1, 4, 7, 8 and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by JP

74006108. (" '108"). Applicants believe these rejections are improper and respectfully traverse them for at least the reasons set forth below.

Applicants have amended independent Claim 1 to recite, in part, a mixture of at least two amino compounds selected from the group consisting of arginine, citrulline, glutamine, ornithine, proline and combinations thereof. The amendment is supported in the specification, for example, at page 4, lines 3-6. In contrast, Applicants respectfully submit that the cited references fails to disclose or suggest all of the elements of independent Claim 1.

*Rhlid* fails to disclose or suggest amino compounds selected from the group arginine, citrulline, glutamine, ornithine, proline and combinations thereof as required, in part, by independent Claim 1. The Patent Office even admits the same. *See* Office Action, page 3, line 21 to page 4, line 3. For example, these specific compounds acids are well suited to be subjected to a bioconversion with at least one other amino compound in that same group. *See* specification, page 4, lines 11-13.

The '108 patent fails to disclose or suggest conducting a bioconversion of a mixture of at least two amino compounds from the group consisting of arginine, citrulline, glutamine, ornithine, proline or combinations thereof as required, in part, by Claim 1. In an embodiment, this complicated combination of odorant compounds allows for a mixture that contains key aroma precursors which can generate a fully rich and well-balanced baked aroma upon heating. *See* specification, page 4, lines 11-13. The '108 patent discloses a process for preparing flavor additives. Consequently, the '108 patent does not disclose a mixture of at least two amino compounds from the group consisting of arginine, citrulline, glutamine, ornithine, proline or combinations thereof.

Additionally, Applicants have amended Claims 1-4, 14-16, 18 and 19 to recite an aromatizing precursor composition for clarification purposes. Applicants submit that the '108 patent does not disclose preparing aroma precursors, but rather aroma per se. For example, the '108 patent teaches making a fermentation of skim milk (a milk based product) and adding a heat treated mixture of saccharides and amino acids, which is the product of a Maillard reaction. As a result, the aroma products are already in other compositions and are not themselves precursors to baked goods as the claimed aromatization compounds are.

For the reasons discussed above, Applicants respectfully submit Claim 1 and Claims 2-4, 7-9, 11-14, 14-16 and 18-19 that depend from Claim 1 are novel, nonobvious and distinguishable from the cited references.

Accordingly, Applicants respectfully request that the rejections of Claims 1-4, 7-9, 11-14, 14-16 and 18-19 under 35 U.S.C. §102 be withdrawn.

In the Office Action, Claims 6, 10 and 17 are rejected under 35 U.S.C. §103(a) as being obvious over *Rhlid*. Applicants respectfully submit that the patentability of Claim 1 as previously discussed renders moot the obviousness rejection of Claims 6, 10 and 17 that depend from Claim 1. In this regard, the cited art fails to teach or suggest the elements of Claims 6, 10 and 17 in combination with the novel elements of Claim 1.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

~~BELL, BOYD & LLOYD LLC~~

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